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09/901,114

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EXAMINER

WU, RUTAO

ART UNIT

PAPER NUMBER

3628

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/901,114

Applicant(s)

FURUTA ET AL.

Examiner

Rob Wu

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 03 2006 has been entered.

### ***Status of Claims***

2. In response filed October 03, 2006, the applicant amended claims 1, 8, 15, 25-27. Claim 28 has been newly introduced. Claims 1-28 are pending in the application.

### ***Response to Arguments***

3. Applicant's arguments filed October 03, 2006 have been fully considered but they are not persuasive.

With regards to clause 2 of claims 1, 8 and 15 the applicant argues that Rossides (U.S. Pat No. 6,131,085) does not disclose "a plurality of services provided from the plurality of service providers." The Examiner respectfully disagrees.

From Fig 2, 3, and 5.13 it is clear that Rossides' invention disclose a plurality of services provided from a plurality of service providers. Fig 2 shows the service of

providing price information for a product of interest. Fig 3 shows the service of providing cooking recipes. Fig 5.13 shows the service of providing movie reviews. Plurality of service providers are also disclosed by Rossides, as evident by Fig 5.13 which shows at least 2 different reviewers for the movie Casablanca.

The Examiner also disagrees with the applicant's argument that Rossides does not disclose showing multiple answers to a question provided by multiple service providers.

First, it is noted that the features upon which applicant relies (i.e., showing multiple answers to a question provided by multiple service providers) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Second, Rossides does disclose providing multiple answers to a question provided by multiple service providers, as evident by Fig 5.13 of Rossides which shows movie reviews provided by plurality of different reviewers.

With regards to clause 3 of claims 1, 8 and 15, the applicant argues that Rossides does not disclose shared target money, it simply pays a royalty to a provider who provided an answer for every time the answer is requested, because Rossides does not provide "a plurality of service provided from the plurality of service providers." The Examiner respectfully disagrees. From the above evidence provided by Rossides, mainly Figures 2, 3 and 5.13, it is clear that Rossides does disclose a plurality of service provided from a plurality of service providers. Rossides' invention charges users who

receive answers and provide royalties to those who provide the answers, Rossides also disclose that users can update answers to questions and become providers to receive royalties (Fig 2A) therefore, it is clear that Rossides' invention shares the money paid by the information requestors between service providers since it pays royalties to all providers who have provided the answer to a question. The Examiner also disagrees with the applicant's argument that Rossides does not disclose "providing shared money based upon a frequency of providing the users with each service of each of the plurality of service providers." Rossides specifically disclose that royalties are calculated by the number of times the answer has been requested and the times those requests too place. (col 12: lines 15-17) Therefore, it is clear that Rossides disclose "providing shared money based upon a frequency of providing the users with each service of each of the plurality of service providers.

With regards to the new added limitation of claims 1, 8, 15 and 25-27, Rossides disclose "wherein the plurality of services is provided with the user through a user interface common to the plurality of service providers. As presented in Fig 25, Rossides shows an interface that is commonly used by answer requestors and answer providers. The user enters a question ("What's the recipe for toll-house cookies) then has a choice to select an answer (2510) or provide an answer (2514).

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3628

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 8, 15, and 25-28 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat No. 6,131,085 to Rossides.

**Referring to claims 1, 8 and 15:**

A profit sharing system for an agency service, comprising:

A storage module storing amounts of share target money, to be shared to a plurality of service providers each providing one or more services, the shared target money extracted from profits of an agency service provider providing an agency service through which the plurality of service providers provide the services to users and the profits obtained by operating for a predetermined period the agency service for providing the users with the plurality of services provided from the plurality of service providers; (col 2: lines 53-55; col 234: lines 31-32; Fig 2, 3, and 5.13) and

A calculation module calculating an amount of shared money allocated to each of the plurality of service providers from the amount of shared target money stored in the storage module based upon a frequency of providing the users with each service of each of the plurality of service providers during the predetermined period. (col 12: lines 12-21)

Wherein the plurality of services is provided with the user through a user interface common to the plurality of service providers. (Fig 25)

**Referring to claim 25:**

A profit sharing system for an agency service, comprising:

A providing module providing an agency service for providing a user with a requested service among services provided by a plurality of providers; (col 14: lines 15-16; Fig 2, 3, and 5.13) and

A calculation module calculating an amount of shared money, shared to each provider, or profits obtained by providing the agency service on the basis of a frequency of providing the user with the service. (col 12: lines 15-17)

Wherein the plurality of services is provided with the user through a user interface common to the plurality of service providers. (Fig 25)

**Referring to claims 26-27:**

A profit sharing method in an information processing system, for an agency service, including a storage module and a control unit, said method comprising:

Making said control unit provide the agency service for providing a user with a requested service among services provided from a plurality of providers; (col 14: lines 15-16; Fig 2, 3, and 5.13)

Storing said storage module with a providing count of providing the service to the user; and (col 10: lines 57-58).

Calculating an amount of shared money, shared to each provider, of profits obtained by the agency service on the basis of a providing frequency of each service that is obtained from the providing count of each service and a total sum of service providing counts. (col 12: lines 15-17)

Wherein the plurality of services is provided with the user through a user interface common to the plurality of service providers. (Fig 25)

**Referring to claim 28:**

A method of sharing profits for an agency service, comprising:

Providing an agency service to provide a user through a common user interface with a plurality of services provided by a plurality of service providers that provide service services via an agency service provider; (col 2: lines 53-55; col 234: lines 31-32; Fig 2, 3, and 5.13) and

Calculating an amount of shared money for each service provider extracted from the profit of the agency service provider, shared among each service provider based upon a frequency of providing the user with each service of each of the plurality of service providers. (col 12: lines 12-21)

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4, 6-7, 9-11, 13-14, 16-18, 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No. 6,131,085 to Rossides.

**As per claims 2, 9 and 16**, Rossides discloses a function that tallies the number of requests for the service (col 10 lines 57-58; col 13: lines 22-24).



Rossides also discloses that it calculates the frequency of demand by taking the number of times the data has been requested over the time period. Then it calculates the payoff by multiplying the frequency with the royalty rate (col 12: lines 15-21). Rossides further states that the pay off formula can be infinitely variable (col 12: line 36). Therefore it would be obvious to one skilled in the arts to modify the above formula to calculate the frequency of usage by taking the quotient of usage per service divided by the total number of usage, then calculate the amount of shared money by multiply the frequency of usage by the amount of available shared money.

**As per claims 3, 10 and 17,** Rossides disclose a profit sharing system according to claim 1, wherein the profits are a total of agency service usage fees during the predetermined period that are collected from the users on the basis of a contract. (col 234: lines 31-32) Rossides does not expressly disclose the contract is one single contract.

However, it would have been obvious at the time of the invention to have one single contract instead of multiple contracts. One would be motivated to have one single contract to be more efficient and reduce the logistic cost associated with multiple contracts.

**As per claims 4, 11 and 18,** Rossides does not explicitly disclose the method of calculating shared money from profit. However, the examiner takes official notice that calculating revenue by subtracting operating cost from profits was well known at the time of applicant's invention. It is a method well known to one skilled in the arts.

**As per claims 6, 13 and 20**, Rossides discloses that his AC is a database that allows a plurality of users provide answers or raw data to a plurality of questions (col 10: lines 5-11).

Rossides discloses that a user inputs a question causing the AC to search for the corresponding answer. If the answer is found, the answer is outputted (col 9: line 66). The AC also tallies data-request and data uses (col 10: lines 57-58).

**As per claims 7, 14 and 21**, Rossides does not disclose that it provides the user with a list of dictionary contents corresponding to a search key received from the user, and provides the user with the dictionary content selected from this list by the user. Rossides discloses that a user inputs a question causing the AC to search for the corresponding answer. If the answer is found, the answer is outputted (col 9: lines 62-66; col 13: lines 34-35). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a database with dictionary content from a plurality of providers. Rossides provides specific motivation by indicating that AC can be adapted to collect a variety of answers (col 9: line 3) and can include many other useful sets of steps (functions) (col 14: lines 12-13).

**As per claims 22-24**, Rossides discloses that AC can enable a user to designate given search stats as optional or mandatory. This means that the mandatory conditions are preferably matched over the optional ones (col 44: lines 7-10). Thereby setting a priority to mandatory search stats.

8. Claims 5, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossides in view of U.S. Pat No. 5,893,903 to Eisdorfer et al.

Rossides does not disclose a step of requesting a financial institution to pay the shared money to each provider.

Eisdorfer discloses in his patent that clearinghouse2 sends back a stamp modified to include its identity for clearinghouse1 authentication. Clearinghouse1 will then send payment to clearinghouse2 according to the predetermined revenue allocation arrangement (col 4: lines 41-44). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rossides' invention to allow requesting a financial institution or a clearinghouse for the payment of the shared money. One would be motivated to perform such modification to be certain that the service providers receive payment for services provided.

### ***Conclusion***

9. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rw

  
JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER